

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 10/532,202
Applicant(s): STEFFEN HASENZAHN, ET AL.
Filed: April 14, 2005
TC/A.U. 1796
Examiner: Peter F. Godenschwager
Title: PULVERULENT MATERIALS

Confirmation No.: 6755

Docket No.: 032301.415
Customer No.: 25461

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Jürgen Meyer, a co-inventor in the above-identified application hereby declares and states as follows:

As a co-inventor in this application, he is completely familiar with the subject matter of this application and is informed that a final rejection has issued from the U.S. Patent and Trademark Office which has rejected the claims in the application as anticipated by the European patent EP 0672731 of *Ettinger, et al.*

He wishes to call to the attention of the Examiner in the U.S. Patent and Trademark Office that he is also co-inventor named in the European patent 0672731, as shown by the attached first page of that document. He is the same Dr. Jürgen Meyer as identified under the designation "Erfinder" which is the German word meaning "inventor".

He notes that the claims in the above-identified application are directed to pulverulent materials and mixes thereof containing one or more surface-modified and structure-modified pyrogenically prepared metalloids or metallic oxides such as silica.

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Declaration

He is advised that the Official Action refers to the European patent of *Ettlinger, et al.* as disclosing a structurally-modified silica.

As the co-inventor in the European patent 0672731 which is cited in the U.S. Patent and Trademark Office against this application, he is completely familiar and knowledgeable with respect to the content of the European patent, as well as the above-identified application having been intimately involved with the invention described in each of those documents.

He can state without any qualifications whatsoever that the European patent EP 0672731 of which he is the co-inventor did not relate to a structurally modified silica and does not disclose a structurally modified silica and does not contemplate a composition containing a structurally-modified silica. Accordingly, he is of the opinion that the Official Action wherein the U.S. Patent and Trademark Office takes the position that the European patent of *Ettlinger et al.* discloses a structurally modified silica is technically incorrect and is in error.

I, Jürgen Meyer, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date:

23.16 Nov. 2009


JÜRGEN MEYER

LIT1026600.1

Silanised silicas

Patent number: EP0672731
Publication date: 1995-09-20
Inventor: ETTLINGER MANFRED DR (DE); KERNER DIETER DR (DE); MEYER JUERGEN DR (DE)
Applicant: DEGUSSA (DE)
Classification:
- International: C09C1/30
- european: A61K7/48A4; B01J2/30; C09C1/30D12; G03G9/097B3
Application number: EP19940118099 19941117
Priority number(s): DE19944402370 19940127

Also published as:

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DE4402370 (A1)
EP0672731 (B1)

Cited documents:

EP0216047
EP0475132
JP63043976

Abstract of EP0672731

Silanised, pyrogenically-produced silica is new. Also claimed is prodn. of the silica where silanisation is effected by intensive mixing of pyrogenically-produced silica while spraying (opt. first with ester) with an alkoxy silane of formula $(RO)_3 SiCu H_{2n+1}$ ($R = \text{alkyl}$ and $n = 10-18$); followed by post mixing for 15-30 mins. and tempering at 100-160 deg C for 1-3 hrs.

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